

# Congress of the United States

Washington, DC 20515

May 14, 2004

The Honorable Tommy Thompson  
Secretary of Health and Human Services  
200 Independence Avenue, NW  
Washington, D.C. 20201

Dear Secretary Thompson:

We are writing to urge you to include tamoxifen and other similar cancer drugs in the Section 641 (P.L.108-173) Medicare Demonstration Program. The congressional intent of the Section 641 Demonstration Program was to provide the same benefit offered through the Access to Cancer Therapies Act (S. 1037/H.R. 1288). The demonstration program was intended to provide full Medicare Part B coverage for all oral anti-cancer medications, including breast cancer drugs such as tamoxifen, as a transitional benefit until implementation of the new Medicare Part D benefit. We believe it is critically important that the Section 641 Demonstration Program is implemented in a manner that provides meaningful coverage to individuals with breast and other cancers.

The Access to Cancer Therapies Act extended Medicare coverage under Part B to all oral anti-cancer drugs. While the Medicare demonstration currently covers some oral drugs that are self-administered, it does not cover oral anti-cancer drugs that do not have an injectable version. Drugs omitted from coverage include widely used oral medications for cancer like tamoxifen. The Medicare Access to Cancer Therapies Act garnered substantial support because Congress strongly believed that Medicare policy should be updated to provide reliable access to oral medications for beneficiaries with cancer.

We were pleased that language based on the Access to Cancer Therapies Act to create the Section 641 Demonstration Program was included in P.L. 108-173. We request that the demonstration program be implemented according to congressional intent. It is particularly troubling to us that tamoxifen and other similar cancer medications may not be covered by the Section 641 Demonstration Program according to criteria proposed by CMS. **We are writing to assure you that the authors of the provision and supporters of the Access to Cancer Therapies Act intended that tamoxifen and other similar cancer drugs be included in the Section 641 Demonstration Program for full coverage.**

We look forward to working with you on this issue.

Sincerely,



EDWARD M. KENNEDY  
U. S. Senator



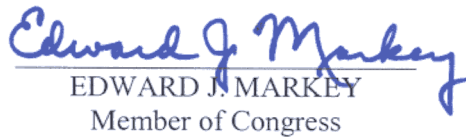
JOHN F. KERRY  
U. S. Senator



JOHN F. TIERNEY  
Member of Congress



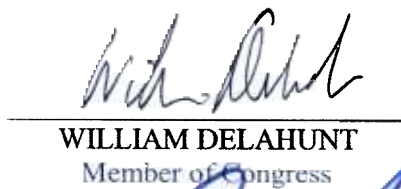
JAMES P. MCGOVERN  
Member of Congress



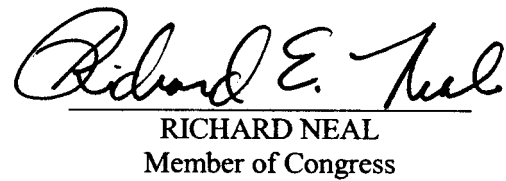
EDWARD J. MARKEY  
Member of Congress



STEPHEN LYNCH  
Member of Congress



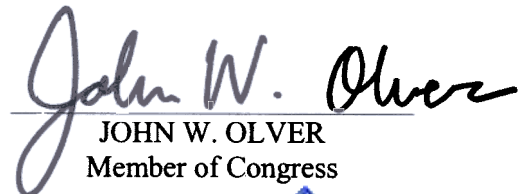
WILLIAM DELAHUNT  
Member of Congress



RICHARD NEAL  
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Member of Congress



JOHN W. OLVER  
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BARNEY FRANK  
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MICHAEL CAPUANO  
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